

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

CLAUDE TAYLOR

PLAINTIFF

VS.

CIVIL ACTION NO. 3:15cv684-DPJ-FKB

MDOC CASE MANAGER JOHNSON AREA 3 SMCI, ET AL.

DEFENDANTS

**REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

This matter is before the Court on its *sua sponte* motion to dismiss this cause of action because of plaintiff's failure to prosecute his claims. *Natural Gas Pipeline Co. v. Energy Gathering, Inc.*, 2 F.3d 1397, 1407 (5th Cir. 1993)(citing *Link v. Wabash R.R. Co.*, 370 U.S. 626 (1962)(a district court has inherent power to dismiss a case *sua sponte* for failure to prosecute)). Plaintiff has failed to respond to an Order to Show Cause entered September 28, 2016, and requiring a response by October 28, 2016. By failing to respond to the Order to Show Cause, Taylor has failed to prosecute this case. For these reasons, the undersigned recommends that plaintiff's claims be dismissed without prejudice for failure to prosecute. Fed. R. Civ. P. 41(b).

The parties are hereby notified that failure to file written objections to the proposed findings, conclusions, and recommendation contained within this report and recommendation within fourteen (14) days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. 28 U.S.C. §636, *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996).

RESPECTFULLY SUBMITTED, this the 18th day of November, 2016.

/s/ F. Keith Ball
UNITED STATES MAGISTRATE JUDGE